

## **REMARKS**

Reconsideration of this application as amended is respectfully requested.

Claims 1-23 are pending. Claims 1, 15, 16 and 19 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed.

Applicant submits that the amendments do not add new matter.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 1-23 were rejected under 35 U.S.C. § 103(a) as being anticipated by French, et al, (U.S. Patent Application No. 2001/0037281, hereinafter "French"), in view of Li, et al. (U.S. Patent Application No. 2003/0004850, hereinafter "Li"). Notwithstanding the following remarks, Applicant reserves the right to swear behind the French and Li references.

French discloses a method for conducting an electronic auction in which carriers submit price quotes for goods or services in response to a request by a consumer who desires to purchase the goods or services. The auction in French has two phases. At phase 1, carriers submit their initial quotes. Based on these quotes, the customer selects a number of carriers with best quotes. These finalists then move to phase 2 to participate in the final bidding.

Thus, in French, the phase 1 result (the first solution) is determined by the customer. In the presently claimed invention, in contrast, both first and second solutions are determined automatically without user interaction. Furthermore, as acknowledged by the Examiner, French does not teach or suggest generating, upon completion of bidding for multiple lots, a first and second optimal solution from the submitted bids, where the first optimal solution has a different number of suppliers than the second optimal solution.

Accordingly, French does not teach or suggest the pertinent features of the present invention that are included in the following language of claim 1:

... upon completion of bidding for the plurality of lots, generating at least a first and second optimal solution from the bids in the database without user interaction, the first optimal solution having a different number of suppliers than the second optimal solution.

Similar language is also included in claims 15, 16, 19 and 23. Thus, the presently claimed invention, as claimed in claims 1, 15, 16, 19 and 23, and their corresponding dependent claims is patentable over French.

Li does not help French to render the presently claimed invention unpatentable. Li discloses a mechanism for determining an optimal award schedule for a satisfaction of a requisition. Similarly to French, Li does not teach or suggest generating, upon completion of bidding for multiple lots, a first and second optimal solution from the submitted bids without user interaction, where the first optimal solution has a different number of suppliers than the second optimal solution, as claimed in the present invention. Instead, in Li, an optimal award schedule is determined by the buyer and is based on the buyer's analysis (Li, paragraph [0012]).

Thus, Li lacks the same limitations that are missing from French. Therefore, the cited references, taken alone or in combination, do not teach or suggest the presently claimed invention. Applicant respectfully submits that the present invention as claimed in independent claims 1, 15, 16, 19 and 23, and their corresponding dependent claims, is patentable over the cited references, and requests the withdrawal of the rejections under 35 U.S.C. § 103(a).

**Deposit Account Authorization**

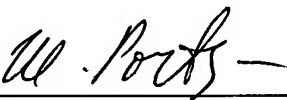
Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such extension.

If the Examiner determines the prompt allowance of these claims could be facilitated by a telephone conference, the Examiner is invited to contact Marina Portnova at (408) 720-8300.

Respectfully submitted,

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Date: July 7, 2006

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